

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11cv31**

**DANIELLE HATTEN MORGAN,
LLC,**

Plaintiff,

v.

**CHILDRENS HOME SOCIETY OF
NORTH CAROLINA, INC. a North
Carolina nonprofit corporation and
surviving corporation in a merger with
Lifegains, Inc., a North Carolina nonprofit
corporation, CALDWELL COUNTY
DEPARTMENT OF SOCIAL SERVICES,
TRANSYLVANIA COUNTY
DEPARTMENT OF SOCIAL SERVICES,
JOYCE EDWARDS, in her individual
capacity and as director of Caldwell
County Department of Social Services,
CARSON GRIFFIN in his individual
capacity and as director of Transylvania
County Department of Social Services,
DOROTHY HARRIS (a.k.a. Dottie Harris)
in her individual capacity and as an
employee of Transylvania County
Department of Social Services, LOUISE
KOONTZ, in her individual capacity and
as an employee of Transylvania County
Department of Social Services,
UNKNOWN EMPLOYEE OF
CALDWELL DSS, in her individual
capacity and as an employee of
Transylvania County Department of Social
Services, RODGER J. MORGAN,
REBECCA MORGAN and CITY OF
LENIOR POLICE DEPARTMENT,
JOSEPH REYNOLDS (aka Joey
Reynolds) in his individual capacity and as
chief of the City of Lenoir City Police
Department,**

Defendants.

ORDER

Pending before the Court is Plaintiff's Motion to Amend Complaint [# 53]. Plaintiff seeks leave of Court to file an Amended Complaint. The Court **GRANTS** Plaintiff's motion [# 53].

I. Analysis

Federal Rule of Civil Procedure 15(a) provides that a party may amend its pleading after the expiration of the time periods specified in Rule 15(a)(1) "only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Rule 15(a)(2) further provides that leave to amend shall be freely given "when justice so requires." Id. Absent a showing of undue delay, bad faith, futility, or prejudice to the opposing party, a court should grant a party leave to amend. Foman v. Davis, 371 U.S. 178, 182, 83 S. Ct. 227 (1962); Equal Rights Center v. Niles Bolton Assocs., 602 F.3d 597, 603 (4th Cir. 2010); Laber v. Harvey, 438 F.3d 404, 426-27 (4th Cir. 2006).

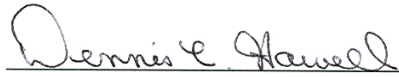
Plaintiff states in her motion that she has received the consent of all parties to amend her Complaint. Accordingly, Plaintiff does not require leave of Court to file her Amended Complaint. See Fed. R. Civ. P. 15(a)(2). The Court, therefore, **GRANTS** Plaintiff's motion [# 53]. The Court **DIRECTS** Plaintiff to file an Amended Complaint by August 5, 2011.

II. Conclusion

The Court **GRANTS** Plaintiff's Motion to Amend Complaint [# 53]. The Court **DIRECTS** Plaintiff to file her Amended Complaint by August 5, 2011. Upon the filing of the Amended Complaint, the Court **DIRECTS** the Clerk to **DENY as moot** the Motions to Dismiss [# 22 & # 27]. Defendants shall have fourteen (14) days from the date Plaintiff files her Amended Complaint to file their answers or otherwise

respond to the Amended Complaint.

Signed: July 28, 2011



Dennis L. Howell
United States Magistrate Judge

